

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

VELENCIA MAIDEN, as Personal)
Representative of the Estate)
of CLIFTON DARNELL)
ARMSTRONG, deceased,)
Plaintiff,)

VS.)
THE CITY OF OKLAHOMA CITY,)
OKLAHOMA; JEFFERY (sic))
DUTTON, individually;)
GREGORY FRANKLIN,)
individually; MOHAMMED)
TABAIA (sic), individually;)
DANIEL HOLTZCLAW,)
individually,)

Case No. CIV-14-413-F

Defendants.)

DEPOSITION OF VELENCIA ELAINE MAIDEN
TAKEN ON BEHALF OF THE DEFENDANTS
IN OKLAHOMA CITY, OKLAHOMA
ON MAY 13, 2015

REPORTED BY: SUSAN J. FENIMORE, CSR, RPR

DEFENDANT'S
EXHIBIT

3

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1 so you go and finish what you think they're going to
2 say or you think you know what they're going to ask
3 you and you go ahead and you answer a question and
4 you don't want to do that because maybe I'm not going
5 to ask you what you thought I was.

6 THE WITNESS: Are you taking pictures?

7 OFFICER TABIAI: No, no, this is just a pen
8 that lights up, helps me at night to write.

9 THE WITNESS: It's kind of hitting my eye,
10 I'm sorry.

11 OFFICER TABIAI: No, you're fine.

12 Q (By Ms. Knight) And if we're going to --
13 we'll probably be here a little while, so if you need
14 to take a break for any reason, if you need to talk
15 to Ed, if you need to get you something else to
16 drink, use the restroom, make a phone call, just say
17 so. All that we would ask is that if there's a
18 question on the table that we've asked and you
19 haven't answered it yet and you need to take a break,
20 if you would please answer the question before you
21 take your break, that's all we ask.

22 Do you have any questions of me before we
23 start?

24 A No.

25 Q What is your current residence address?

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1 A 1421 Northwest 99th Street.

2 Q And that's in Oklahoma City?

3 A Yes.

4 Q How long have you lived at that address?

5 A I don't know.

6 Q Clearly, you were living at that address
7 when the incident occurred --

8 A Yes.

9 Q -- correct?

10 Do you own that home or do you rent it?

11 A Yes, I own it.

12 Q Which one, you own it?

13 A I own my home.

14 Q You own it? Okay.

15 A Yes.

16 Q Does anyone else live in the home with you
17 at this time?

18 A I have -- no.

19 Q Did anyone else live in the home with you
20 on May 1st of 2013?

21 A Yes.

22 Q Who lived with you?

23 A Carlton Donnelly, I believe was his name.

24 Q Anyone else?

25 A I have nieces that -- family just kind of

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1 A Carlton, Clifton, that's all.

2 Q When you got home, did Carlton tell you
3 anything about Clifton's behavior before you got
4 there?

5 A That he came by.

6 Q What else did he tell you?

7 A He was naked.

8 Q And what else?

9 A That's all.

10 Q What did you think when he told you that?

11 A I didn't know what to think.

12 Q Had anything like that ever happened
13 before?

14 A No. He was there and he had his clothes
15 on, so he met me at the driveway when I got there.

16 Q Clifton did?

17 A Uh-huh.

18 Q Had you ever had any other experiences
19 where Clifton would just take off his clothes?

20 A No, ma'am.

21 Q Well, if Clifton met you at the driveway,
22 did you have any discussion with him?

23 A Yes, ma'am.

24 Q And what was said?

25 A It's happening again, police is trying to

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1 kill him. He just didn't say anything else. I said,
2 come on, let's go in the house, I got to go to work
3 and we'll talk in a second, so I asked him what did
4 he mean. We went in the house, just wouldn't say
5 anything about that.

6 Q Did you have any other discussion?

7 A Uh-huh. I asked him what did he do with
8 the phone, because the phone had rang and I couldn't
9 get it because I couldn't find it.

10 Q Okay.

11 A So I was looking around. I said --

12 Q And was this a land line or was this a cell
13 phone?

14 A Land line.

15 Q What did he tell you he had done with the
16 phone?

17 A He didn't.

18 Q Were you able to find the phone?

19 A No.

20 Q What else happened?

21 A From what point?

22 Q You said the phone was ringing, you
23 couldn't find the phone. What happened next?

24 A We looked for the phone.

25 Q And by we, who do you mean?

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1 A Clifton and I.

2 Q What was Carlton doing?

3 A He just went in the bedroom. He wasn't --
4 he didn't give any attention to he and I talking. He
5 just went in the bedroom.

6 Q Then what happened?

7 A I remember asking him what was going on.
8 He was very quiet and just didn't get anything,
9 really, that just said what was going on. So I hear
10 a knock on the door, it was the police.

11 Q Well, why did the police come?

12 A I don't know. I asked them that.

13 Q You don't know why the police showed up
14 there that night in the first place?

15 A No. I said, Clifton, you called to ask
16 them were they here and they said somebody called the
17 police.

18 (Defendant's Exhibit Number 1 marked for
19 identification purposes and made part of
20 the record.)

21 Q (By Ms. Knight) I'm going to show you what
22 has been marked as Defendant's Exhibit 1, which is a
23 transcript of the 911 call made by your son that
24 evening.

25 A Okay.

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1 Q Just take a second and read it.

2 A (Witness reviews document.)

3 Q Are you done?

4 A Yes.

5 Q Have you ever listened to this 911 call?

6 A No.

7 Q Do you see on here where he said that, "I'm
8 seeing dragons, I've been on drugs"?

9 A Yes.

10 Q Do you see where he said, "I'm going to
11 kill myself"?

12 A Yes.

13 Q See further on down where it says, "Dead
14 people are trying to get me"?

15 A I see that.

16 Q Do you think this call might have something
17 to do with why police showed up that night?

18 A I don't know.

19 Q Okay. Did you have any reason that night
20 to call your mother?

21 A Yes.

22 Q How did that happen?

23 A I was concerned by him saying the police is
24 trying to kill him, maybe I need to just make sure
25 he's okay, so I called my mom, asked her could she

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1 come over.

2 Q And why did you want your mother to come
3 over?

4 A To take him to the hospital and help me
5 out.

6 Q Why did you want your mother to take him to
7 the hospital as opposed to you doing it?

8 A Well, I wanted her to take him and I meet
9 her there while I had to get someone to cover my
10 shift, as I made the arrangements, but I just changed
11 my mind that I'll go, so she was going to go with me.

12 Q How long had you been home before the
13 police arrived?

14 A Not long, about maybe five minutes.

15 Q So the police got there about five minutes
16 after you got home?

17 A Yes.

18 Q Was your mother already there when the
19 police came --

20 A No.

21 Q -- or did she come after?

22 A No, she wasn't. She came after.

23 Q Okay. And which police officers got to
24 your house first, of the ones that you named in this
25 lawsuit?

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1 was taking him to the doctor.

2 Q And then what happened?

3 A Then I said I was waiting on my mom,
4 because they asked me do you want to take him to the
5 doctor. I said, I'm waiting on my mother, I called
6 her and she should be here in a few minutes. I don't
7 know where she's at, because we waited a few minutes
8 and then she came.

9 Q And what happened when she got there?

10 A She briefly talked with him, you know, how
11 you doing, you look good and Mom called, we just, you
12 know, wanted to make sure you're okay, would you go
13 to the hospital with us. He said, yeah, Grandma,
14 I'll go with you.

15 Q And what were the police doing while you
16 were having this discussion?

17 A Well, they listened. They just, you know,
18 stood there as we, you know, told them that we were
19 going to take him to the doctor. So they knew what
20 was -- what we were going to do.

21 So they just waited and he says -- I told
22 them we're fine, you know, we're going to take him to
23 the doctor and my mom was here and my mom came. So I
24 told them, okay, we're going to take him and we're
25 fine, they can leave. They said they want to make

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1 sure he's okay.

2 Q And at this point was it just the two
3 officers?

4 A Yes.

5 Q What happened next?

6 A Well, when I told them they can leave, they
7 said, we'll wait till you get him in the car.

8 Q Then what happened?

9 A Well, Clifton said he'll go, so we had to
10 convince him to come on, let's go get in the car.
11 And he finally said, yes, so we went to get in the
12 car.

13 Q How long had you been inside having this
14 discussion with the police and Clifton and your
15 mother before you started to go outside to get him in
16 the car?

17 A It wasn't long, just about five minutes.

18 Q Did you see your son pushing any buttons on
19 a keypad?

20 A Yes.

21 Q What happened with that?

22 A Right before we were going to go out the
23 door, he pushed the buttons to fire department,
24 ambulance and the alarm button.

25 Q And did you do anything, or your mother, in

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1 two-door, I had a four-door, not a one-door.

2 Q Okay. I thought that's what you meant, but
3 I just wanted to be sure.

4 A I know you didn't think it was one.

5 Q Which car was going to be used to take
6 Carlton to the hospital?

7 A You got the names mixed up.

8 Q Clifton, I'm sorry, Clifton. I do that all
9 the time, I'm sorry.

10 What car were you going to take Clifton to
11 the hospital in?

12 A The Tucson, but he wouldn't get in it.

13 Q Why not?

14 A He got -- actually, he was going to get in
15 my car and when they said, no, then -- I didn't mean
16 to say Tucson, I mean to say my mother's car -- he
17 wouldn't get in there; her car.

18 Q Why, what did he say?

19 A I don't know why. I don't know why.

20 Q What did he say?

21 A He just said he wasn't getting in her car,
22 my mother's car. He wanted to ride in his -- in my
23 car.

24 Q So then what happened?

25 A The officer said he think it's better to

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1 get in grandmother's car, since she's going to take
2 him to the hospital. I don't know why.

3 Q So then what happened?

4 A Then we went over to my mother's car and he
5 wouldn't get in. And then he just threw a bottle of
6 water and stood there, like the Indian stance, folded
7 his legs on the curb, corner, there was a curb, just
8 on the end of the driveway. Tried to talk to him,
9 come on, Clifton, get in the car. I'm not getting in
10 there. (Indicating.)

11 Q And you're folding your arms?

12 A That's what he did, folded his legs and
13 arms. He jumped up and stripped naked.

14 Q Okay. Then what happened?

15 A Then he came behind the car in the
16 driveway, came back to the edge of the curb and they
17 said, well, Clifton, we trying to help you, just get
18 in Mom's car and she's going to take you to the
19 hospital.

20 He was -- the officer was telling him that
21 he was, you know, there to help him to get to the
22 hospital.

23 Q What did you think when Clifton took his
24 clothes off?

25 A I was in awe. I didn't know what to think.

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1 Q All right. Well, what happened next?

2 A Then, they went on to ask him to get in the
3 vehicle and he said he wasn't getting in that car and
4 he was saying, you know, it was safer for you to ride
5 in Grandma's car. I'm not sure what, but after him
6 standing there naked a few minutes, the officer, the
7 Hispanic officer -- I wouldn't call him Hispanic if
8 you told me his name, I apologize for that.

9 Q That's okay. Just describe him as best you
10 can.

11 A He said that we're here to help you,
12 Clifton, we want to make sure you're okay, check you
13 out and everything. And then as he spoke with me,
14 asked me, you know, Mom, you know, can I see my kids?
15 And I'm like -- in no time, one of the officers took
16 his hand and he missed it, he didn't know he was
17 reaching for his hand, because he had his hands
18 behind his back doing like this, you know,
19 (indicating). Like he wasn't getting in that car, so
20 he had his hands on the side. And then he reached
21 for his hand and missed it. Then --

22 Q The officer reached for Clifton's hand and
23 missed it?

24 A Yes.

25 Q Was it this officer seated here today or

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1 A Two.

2 Q And how old are they?

3 A 15 and 12.

4 Q And where do they live?

5 A With my daughter, Bridgette, in Edmond.

6 Q Who is their mother?

7 A Bridgette Armstrong.

8 Q His sister?

9 A She adopted them.

10 Q Okay. Who is their biological mother?

11 A Jessica Soleman.

12 Q Why don't they live with their biological
13 mother?

14 A They had a custody situation.

15 Q What was the custody situation?

16 A The kids were to be with their mom and dad
17 if they would go and get help from drugs or -- they
18 didn't go and my daughter adopted them.

19 Q Okay.

20 A So I guess that would be a custody suit.

21 Q All right. So he's on the ground and he's
22 tussling with the officers, what happens next?

23 A They got -- put the handcuffs on him.

24 Q Do you remember which officer put handcuffs
25 on him or did it take both of them to do it?

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1 A Both. One was on each side.

2 Q Okay. And once they got him handcuffed,
3 what happened?

4 A They had a time trying to handcuff him.

5 Q What do you mean by that?

6 A Because it looked like they were struggling
7 with getting the handcuffs on him.

8 Q Okay. Do you know how long it took them to
9 be able to finally handcuff him?

10 A I don't know. I mean, I can't tell you
11 minutes.

12 Q Did you see any kind of ambulance or fire
13 arriving on the scene at any time while this was
14 happening?

15 A I saw -- yes, a fire truck. I don't know
16 where it went. I saw ambulance and -- taking him
17 away.

18 Q Okay. Okay. And we'll get to that.

19 A Oh, okay.

20 Q All right. Once they finally got him
21 handcuffed, what happened next?

22 A I saw them struggling with him, I was so
23 concerned.

24 Q So they're still having to struggle with
25 him, even though he's handcuffed?

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1 A While they were handcuffing him. They got
2 him handcuffed finally but, you know, I was trying to
3 get him to calm down, calm down, it's going to be all
4 right.

5 Q But he wouldn't calm down?

6 A I heard him --

7 Q Was that no, he wouldn't calm down?

8 A No. I heard him say, Mama, I love you, as
9 I was trying to -- I had his legs, just, Clifton,
10 calm down. And I just heard, oh, (indicating). I
11 didn't hear anything else from him. And then the
12 other police came.

13 Q All right. Was he kicking his legs and you
14 were trying to get his legs to be still?

15 A Well, yeah. He was really, you know,
16 (indicating) and legs, you know, was running and all.
17 I was just hoping maybe the quieter he would be, the
18 easier it is and then maybe, you know, they can --
19 everything would be okay, you know. But he was like
20 fighting.

21 Q What was your mother doing while you were
22 holding down his legs?

23 A She was there. I honestly wasn't paying
24 her any attention when I was down there with my son
25 trying to calm him down. It was just matter of

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1 A He said like that.

2 Q How old was he?

3 A Six or seven.

4 Q Did you see officers performing CPR on your
5 son?

6 A Yes, I saw chest compressions.

7 Q Did you see the officers that were there
8 that night do anything with Clifton, other than
9 trying to get him under control?

10 A I can't answer that.

11 Q Did you see any officers use OC spray, use
12 pepper spray on your son?

13 A No.

14 Q Did you see any officers take a flashlight
15 and strike your son with the flashlight?

16 A No.

17 Q Did you see any officers take out a baton,
18 a stick thing that the officers carry, and strike
19 your son?

20 A I did not.

21 Q Did you see any officers administer any
22 kind of blows to your son?

23 A No.

24 Q Did you see any officers kick your son?

25 A No.

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1 A Yes.

2 Q So each individual officer is entitled to
3 know what you're accusing him of.

4 MR. BONZIE: Objection --

5 Q (By Ms. Knight) What did he do?

6 MR. BONZIE: Objection to the form of the
7 question. Go ahead and answer, if you know.

8 THE WITNESS: I don't know.

9 Q (By Ms. Knight) You don't know what he
10 did?

11 A No, I don't know.

12 Q And we're seated -- you're right across the
13 table from him?

14 A Yes.

15 Q And you don't know why you sued him?

16 A I don't know.

17 Q Okay. Your answer to Interrogatory Number
18 22 on Page 9.

19 A Is this the correct paperwork?

20 Q That's it, yes. Page 9.

21 MR. BONZIE: Page 9.

22 THE WITNESS: That's six.

23 MR. BONZIE: Six.

24 Q (By Ms. Knight) And it's your -- your
25 Answer to Interrogatory Number 22, you were asked

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1 Q And again, you've never watched the
2 interviews they gave to homicide immediately after
3 the event, did you?

4 A They wouldn't let us. They wouldn't let us
5 have anything.

6 Q But your attorneys had them for a long
7 time. You've never seen them, have you?

8 A No. You said immediately after.

9 Q The interviews that you gave immediately
10 after the incident.

11 A They didn't let us. I hadn't even had an
12 attorney.

13 Q Would you be surprised if your statements
14 were completely inconsistent with any allegation that
15 the officers used excessive force?

16 A No, I wouldn't be surprised.

17 Q Why have you filed this lawsuit?

18 A Because I believe that they actually
19 contribute to this death of my son. I believe that
20 they excessively used excessive force on my son.

21 Q Well, tell me what about the force that
22 they used was excessive.

23 A I don't know exactly, that's why I got an
24 attorney.

25 Q What did you see that you believe was

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1 and hog tied which caused him to die." Is that your
2 word, "hog tied"?

3 A You said three, Number 2 or --

4 Q Page Number 3.

5 A Yes.

6 Q Answer Number 2.

7 A Number 2, which is up here?

8 Q Yes, ma'am.

9 A Okay.

10 Q Are you ready?

11 A Yes, go ahead.

12 Q Are you ready?

13 A I'm ready.

14 Q "They will all testify the decedent was not
15 resisting arrest and did not have to be restrained by
16 and hog tied which caused him to die," do you see
17 that?

18 A That's on Page 2.

19 Q No, ma'am, it's on Page 3.

20 A Yes, I see that.

21 Q So you used the word "hog tied," right?

22 A That's what I called it, yes.

23 Q That's what you called it.

24 Exhibit Number 12, 123, Photograph 123.

25 A Uh-huh.

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1 Q Is that before or after the police
2 officers, quote, unquote, hog tied him?

3 A This is after.

4 Q Okay. So when the -- and that's an
5 accurate representation of his feet and ankles, the
6 position they were in when they were done with the
7 hobbles; is that correct?

8 A Yes.

9 Q Page 4, Answer Number 3, last sentence,
10 "The officer then grabbed Clifton and hog tied him
11 with a leather strap," do you see that?

12 A In answer to three, paragraph --

13 Q Page 4.

14 A Sentence.

15 Q Last sentence to Answer 3.

16 A He sat on the ground, is that the last one?

17 Q No, ma'am. "The officer then grabbed
18 Clifton and hog tied him with a leather strap."

19 A Okay. I see that.

20 Q Page 9, Answer 21.

21 A Okay.

22 Q "The use of maximum restraint - 'hog tied'
23 - to restrain somebody with mental health issues."
24 Did I correctly read that?

25 A Yes.